



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 06 2005

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Esmont, Safety/Environmental Coordinator
Morton International, Inc.
151 South Industrial Street
Rittman, Ohio 44270

Re: Notice of Violation and Finding of Violation

Dear Mr. Esmont:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) and Finding of Violation (FOV) to Morton International, Inc. (you) under Section 113(a)(1) and (a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (a)(3). We find that you have violated the Ohio State Implementation Plan and the Federal Standards of Performance for Nonmetallic Mineral Processing Plants, 40 C.F.R. §§ 60.670 et seq. at your Rittman, Ohio facility.

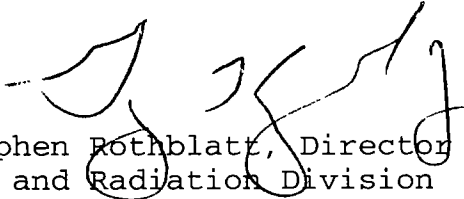
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial, civil, or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Erik Hardin. You may call him at (312) 886-2402 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely,

 A handwritten signature in black ink, appearing to read "S. Rothblatt".

Stephen Rothblatt, Director
Air and Radiation Division

ACTING

Enclosure

cc: Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency

Dennis Bush, APC Supervisor
Northeast District Office
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Morton International, Inc.)	NOTICE AND FINDING OF
Rittman, Ohio)	VIOLATION
)	
)	EPA-5-05-OH-11
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	
_____)	

NOTICE AND FINDING OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation and Finding of Violation under Section 113(a)(1) and (a)(3) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(a)(1) and (a)(3). The United States Environmental Protection Agency finds that Morton International, Inc. (Morton) is violating the Federal New Source Performance Standards (NSPS) for Nonmetallic Mineral Processing Plants at 40 C.F.R. part 60, subpart 000, and the Ohio State Implementation Plan (SIP) as follows:

Statutory and Regulatory Authority

National Standards of Performance for Nonmetallic Mineral Processing Plants

1. Section 111(e) of the Act, 42 U.S.C. § 7411(e), provides that after the effective date of a standard of performance promulgated under Section 111, it is unlawful for any owner or operator of any new source to operate such source in violation of that standard.
2. Section 111(a)(2) of the Act, 42 U.S.C. § 7411(a)(2), defines the term "new source" as any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under Section 111 which will be applicable to such source.
3. Construction or modification is "commenced" when an owner or operator of a stationary source undertakes "a continuous program of construction or modification," or enters into a "contractual

obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification." 40 C.F.R. § 60.2.

4. 40 C.F.R. § 60.7(a)(3) requires that any owner or operator subject to the provisions of Part 60 provide written notification of the actual date of initial startup of an NSPS affected facility.

5. 40 C.F.R. § 60.8(a) states, in pertinent part, any owner or operator of an affected facility shall conduct a performance test(s) and furnish the Administrator a written report of the results within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial start up.

6. U.S. EPA promulgated 40 C.F.R. Part 60, Subpart 000, Standards of Performance for Nonmetallic Mineral Processing Plants (40 C.F.R. §§ 60.670 - 60.676) on August 1, 1985. 51 Fed. Reg. 31337.

7. 40 C.F.R. § 60.670 states, in pertinent part, that the "affected facilities" to which Subpart 000 applies includes each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station at a fixed or portable nonmetallic mineral processing plant on which construction, modification, or reconstruction commenced after August 31, 1983.

8. 40 C.F.R. § 60.671 defines "belt conveyor" to mean a conveying device that transports material from one location to another by means of an endless belt that is carried on a series of idlers and routed around a pulley at each end.

9. 40 C.F.R. § 60.671 defines "bucket elevator" to mean a conveying device of nonmetallic minerals consisting of head and foot assembly which supports and drives an endless single or double strand chain or belt to which buckets are attached.

10. 40 C.F.R. § 60.671 defines "nonmetallic mineral" to mean, among other things, sodium compounds, including sodium chloride.

11. 40 C.F.R. § 60.671 defines "nonmetallic mineral processing plant" to mean, in pertinent part, any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located.

12. 40 C.F.R. § 60.672(a)(1) provides that, on or after the

performance test required to be conducted by 40 C.F.R. § 60.8(a), no owner or operator shall cause to be discharged into the atmosphere from any affected facility stack emissions in excess of 0.05 grams per dry standard cubic meter (0.022 grains per dry standard cubic feet).

Ohio State Implementation Plan

13. On October 31, 1980, U.S. EPA approved Ohio Administrative Code (OAC) Rule 3745-31, permit to install regulations, as part of the federally enforceable SIP for Ohio. 45 Fed. Reg. 72146.

14. Ohio SIP Rule OAC 3745-31-02(A) states that no person shall cause, permit, or allow the installation of a new source of air pollutants or allow the modification of an air containment source without first obtaining a permit to install from the Director of the Ohio EPA.

15. The Ohio SIP at OAC 3745-15-01(R) defines "new source" as any source the construction or modification of which is commenced on or after February 15, 1972.

16. The Ohio SIP at OAC 3745-15-01(W) defines "source" as any building, structure, facility, operation, installation, other physical facility, or real or personal property that emits or may emit any air pollutant.

Morton's Rittman, Ohio Facility

17. Morton owns and operates a salt processing plant at 151 South Industrial Street in Rittman, Ohio.

18. Morton's salt processing plant in Rittman, Ohio is a nonmetallic mineral processing plant as defined by 40 C.F.R. § 60.671.

19. In June, 1999, Morton began a project that included the installation of new belt conveyors and bucket elevators associated with a salt pellet production line (P008).

20. The new belt conveyors and bucket elevators associated with P008 are new sources of air pollutants as defined by the Ohio State Implementation Plan.

21. Morton obtained a permit to install for the project involving the installation of the new belt conveyors and bucket elevators associated with P008 on March 9, 2004.

22. In April, 2000, Morton began operating the new belt conveyors and bucket elevators associated with P008.

23. Among other facilities, the belt conveyors and bucket elevators associated with Ohio EPA emission unit number P008 are subject to the requirements at 40 C.F.R. Part 60, Subpart 000.

24. Morton did not submit written notification of the actual date of initial startup of the new sources associated with P008 within 15 days of the actual date of initial startup.

25. Particulate matter emissions from the belt conveyors and bucket elevators associated with P008 are controlled using the dust collection system (baghouse) labeled by Morton as the "South Reclaim Unit".

26. Particulate matter emissions from the South Reclaim Unit are subject to the emission standard at 40 C.F.R. § 60.672(a)(1).

27. On February 6, 2002, Morton conducted initial performance tests on the emission points associated with P008 as required by 40 C.F.R. Part 60, Subpart 000.

28. The results of the February 6, 2002, performance test showed that the particulate matter emissions from the South Reclaim Unit were 0.15 grams per dry standard cubic meter.

29. On August 11, 2003, in a response to a notice of violation issued by the Ohio EPA, Morton stated that it would repair the South Reclaim Unit and conduct an additional performance test.

30. On November 25, 2003, Morton conducted an additional performance test on the South Reclaim Unit, and the results showed that the particulate matter emissions were 0.0012 grams per dry standard cubic meter.

Violations

31. The installation of the belt conveyors and bucket elevators made P008 a "new source" as defined by Section 111(a)(2) of the ACT and subject to the requirements of 40 C.F.R. Part 60, Subpart 000.

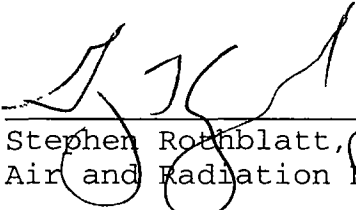
31. Morton's failure to submit written notification of the actual date of initial startup of the new sources associated with P008 within 15 days of the actual date of startup constitutes a violation of 40 C.F.R. § 60.7(a)(3).

32. Morton's failure to conduct an initial performance test until February 6, 2002, constitutes a violation of 40 C.F.R. § 60.8(a).

33. Morton's failure to demonstrate compliance with the particulate matter emission limit for the South Reclaim Unit until November 25, 2003, constitutes a violation of 40 C.F.R. § 60.672(a)(1).

34. Morton's failure to obtain a permit to install for the new sources of air pollutants associated with P008 until March 9, 2004, constitutes a violation of Ohio SIP Rule OAC 3745-31-02(A).

5/6/05
Date

 ALTING
Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Notice of Violation/Finding of Violation, No. EPA-5-05-OH-11, by Certified Mail, Return Receipt Requested, to:

John R. Esmont, Safety/Environmental Coordinator
Morton International, Inc.
151 South Industrial Street
Rittman, Ohio 44270

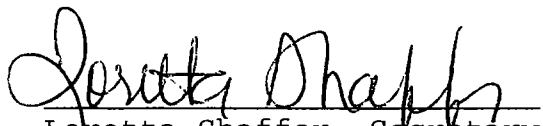
I also certify that I sent copies of the Finding of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. 1049
Columbus, Ohio 43216-1049

and

Dennis Bush, APC Supervisor
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087

on the 9th day of MAY, 2005.


Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8909 8077